

**Minutes of Meeting
Grafton Planning Board
February 26, 2007**

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A regular meeting of the Grafton Planning Board was held on Monday, February 26, 2007 in Conference Room A at the Grafton Municipal Center, 30 Providence Road, Grafton, MA. Present for the meeting were Chairman Keith Regan, Vice-Chairman, Donald Chouinard, Clerk Richard McCarthy, Robert Hassinger, and Associate Member Christophe G. Courchesne, who joined the meeting at 7:34 p.m. Staff present was Town Planner, Stephen Bishop and Planning Assistant, Samantha Hobson.

Chairman Regan called the meeting to order at 7:00 p.m. and announced that the Board had received correspondence late this afternoon from Sharon Horne of Industrial Tower & Wireless, LLC requesting to continue their public hearing for SP 2006-5 & SP 2007-1 to March 26, 2007 due to the absence of a voting member of the Board.

MOTION by Mr. McCarthy, **SECOND** by Mr. Chouinard, to accept the applicant's written request to continue the public hearing for SP 2006-5 & SP 2007-1 to March 26, 2007 at 7:00 p.m. **MOTION** carried unanimously 4 to 0.

SP 2007-2 FIBERTOWER CORPORATION – (APPLICANT) – CINGULAR WIRELESS, INC. (CO-APPLICANT/OWNER) – CO-LOCATION AT 20 INDIAN PATH

Mr. McCarthy read the legal notice and Chairman Regan opened the public hearing.

Present for the hearing was Jennifer Lougee, for FiberTower Corporation.

Ms. Lougee informed the Board they were looking to add one 2-foot dish antenna at the height of about 75 feet to the existing 92 foot cell tower at 20 Indian Path.

Mr. Hassinger asked Ms. Lougee if the original tower permitting allows for 4 co-locating antennae.

Ms. Lougee replied yes, but they were currently applying for only one.

Chairman Regan suggested Ms. Lougee apply for four while they are in the process of applying to streamline the application process and avoiding a return trip to the Board to apply for the remaining three.

Mr. Chouinard asked if the applicant could perform work in the future without a notice from the Planning Board.

Mr. Bishop stated the applicant would still have to apply for a building permit through the Building Inspector, who would be following up on the work done on the cell towers. Mr. Bishop also noted there is a 2-year State mandated limit on special permits. Mr.

Bishop added the applicant could be covered for up to 4 microwave dishes on the tower which would be good of two years through the conditions in the decision.

MOTION by Mr. Hassinger, **SECOND** by Mr. McCarthy, to close the public hearing. **MOTION** carried unanimously 4 to 0.

MOTION by Mr. Hassinger, **SECOND** by Mr. Chouinard, to direct Staff to draft a decision, taking into consideration all the information received and the conditions discussed. **MOTION** carried unanimously 4 to 0.

MODIFICATION OF DEFINITIVE PLAN APPROVAL – “FERRY RIDGE ESTATES” SUBDIVISION – INDIVIDUAL LOT, L.L.C. (APPLICANT/OWNER)

Chairman Regan opened the public hearing at 7:12 p.m.

There was no one present from “Ferry Ridge Estates” to discuss the status of the subdivision work being performed.

Chairman Regan received unanimous consent to table the hearing until later in the meeting to allow for the arrival of a representative.

Chairman Regan received unanimous consent to take the **ACTION ITEMS** out of order.

ACTION ITEM 2-A SUPPORT OF GRANT APPLICATION

Mr. Bishop informed the Board he had attended the Board of Selectmen meeting last Tuesday to ask for their support for the 2006 Massachusetts Turnpike Authority Tourism Grant program. Mr. Bishop noted he was writing the application, which is in the amount of \$100,000.00 and additionally will bring matching funds from the Community Preservation. Mr. Bishop stated the grant will help fund in the renovation of the South Grafton Community House.

MOTION by Mr. McCarthy, **SECOND** by Mr. Hassinger, to direct Staff to draft a letter to the Massachusetts Turnpike Authority Tourism Grant Program for the purpose of obtaining a grant, and authorizing the Planning Board Chairman to sign the grant. **MOTION** carried unanimously.

Chairman Regan received unanimous consent to take **ACTION ITEM 3-B** out of order.

ACTION ITEM 3-B – TELEVISIONING RBL MEETINGS

The Board discussed the whether or not to televise the RBL meetings.

Mr. McCarthy asked if the applicant is responsible for the cost of televising.

Mr. Hassinger informed the Board that the televising cost is covered by a Cable fund from Access, which also funds the Board of Selectmen meetings, School committee, etc.

Mr. Hassinger noted that holding the meetings live will get the most exposure for the RBL project.

MOTION by Mr. Hassinger, **SECOND** by Mr. Chouinard, to approve televising the RBL public meetings scheduled. **MOTION** carried unanimously.

“PETERS ESTATES” SUBDIVISION – ETRE BUILDERS, INC.
(APPLICANT/OWNER) – OFF 69 PLEASANT STREET

Chairman Regan opened the public hearing at 7:25 p.m.

Present for the hearing were Ronald Etre of Etre Builders, Inc. and his engineer, Peter Bemis of Engineering Design Consultants, Inc.

Mr. Bishop informed the Board they had just received Graves Engineering review comments from Jeff Walsh due to his absence from illness.

Mr. Bemis offered to review the comments with the Board, stating they were pretty straight forward.

Mr. Bemis reviewed Graves Engineering comments concerning the eastern perimeter property line; a snow easement; a waiver requesting sloped granite curbing; and the gravel with regard to the access drive to the stormwater basin.

Mr. Bishop stated the Board should receive documentation of DPW Superintendent Roger Hammond’s review of the stormwater basin.

Mr. Bemis also reviewed his submitted landscaping improvements plan and Affordable Housing plan with details, as required.

Mr. Chouinard asked about the lot already being designated and submitted for the affordable unit, rather than the Board choosing the lot.

Mr. Bemis stated that they were required to show the lot and plan of the unit when they submitted the details to the Affordable Housing committee for approval. Mr. Bemis also noted that they had been given conditional support to the affordable duplex unit they had proposed.

Mr. Courchesne joined the Board at 7:34 p.m.

Mr. McCarthy asked about the criteria for the eligible lottery. Mr. Bemis stated there was a weighted pool with preference for Town employees and then Grafton residents.

Mr. Hassinger asked about the time sequence for the building of the affordable unit.

Mr. Etre stated they had agreed to build the unit as the fifth house of their building timetable.

Chairman Regan noted the building of the affordable unit can be conditioned with the release of permits from the Building Inspector.

Mr. Bemis also informed the Board that Mr. Etre would like to begin with a model home near the entrance of the subdivision.

Mr. Bishop stated there would have to be a mechanism to control the model, possibly with some sort of covenant and condition worked out with the Building Inspector.

Gail Sjoberg of 56 Pleasant Street asked about the landscaping plan, when the tree buffer would be put in and what agreement had been reached with the Sewer Department for future growth.

Mr. Bemis provided Ms. Sjoberg with a landscaping plan and stated the trees would be done during the landscaping/buffering phase of the project and stated that the sewer pump station could take twice the amount of the development.

Chairman Regan asked Mr. Bemis about any conversation with the Sewer Department and Mr. Bemis stated they will not meet with him until he has finished with the Planning Board hearing. Mr. Bemis noted he needs to submit a Sewer Extension application.

Mr. Chouinard asked Mr. Etre if he would do the buffering immediately if a model is built. Mr. Etre stated he would.

Robert Lavallee, Jr. of Oxford, son of abutter Robert & Claire Lavallee, asked if the bold print responses on the Graves Engineering review comment indicated satisfactory conclusions for that issue.

Chairman Regan stated that Graves acknowledgement is an indication they are generally satisfied.

Mr. McCarthy questioned Mr. Bemis about fencing around the detention pond. Mr. Bemis stated Condition #7 in the Special Permit decision required fencing and screening for the detention pond, however the Conservation Commission is looking at the wildlife perspective of the area without the fencing. Mr. Bemis noted they would be requesting a waiver of the fencing.

Gail Sjoberg of 56 Pleasant Street expressed concerns about the hydrology calculations and the stormwater runoff regarding the abutters. Mr. Bemis informed Ms. Sjoberg that they had received permitting from the DEP for watershed alteration with the detention pond, which in part of their plan for stormwater treatment through the construction phase.

Mr. Bemis added that when the construction phase is completed, they will clean up and restore the area with any orders from the Conservation Commission.

Mr. Hassinger asked about comment #49 which states the site plan has not been reviewed for conformance with the Massachusetts Architectural Access Board. Mr. Hassinger noted that once the Planning Board accepts the subdivision, it will become the Town's problem if it is not ADA compliant.

Mr. Bishop informed Mr. Hassinger that the Building Inspector is the ADA compliance inspector for the Town and that he usually makes sure the subdivision is compliant during the construction process. Mr. Bishop stated he will also bring this issue to the Building Inspector's attention.

Chairman Regan inquired why Graves Engineering does not handle the ADA compliance. Mr. Bishop noted that Graves Engineering is not ADA compliant trained.

Mr. Hassinger stated he would like to see a condition added for the ADA compliancy and also see some input from the DPW Superintendent, Roger Hammond on the granite curbing requests before the Board grants a waiver.

MOTION by Mr. Hassinger, **SECOND** by Mr. McCarthy, to close the public hearing, leaving the record open for a response from DPW Superintendent Roger Hammond concerning the granite curbing. **MOTION** carried unanimously 4 to 0.

MOTION by Mr. Hassinger, **SECOND** by Mr. McCarthy, to direct Staff to draft a decision, taking into consideration all of the information received, specifically the DPW response, and the conditions discussed. **MOTION** carried unanimously 4 to 0.

Mr. Bishop added he would also be sure to discuss the ADA process with the Building Inspector.

MODIFICATION OF DEFINITIVE PLAN APPROVAL – “FERRY RIDGE ESTATES” SUBDIVISION – INDIVIDUAL LOT, L.L.C. (APPLICANT/OWNER)

Chairman Regan opened the public hearing at 8:02 p.m.

Present at the hearing was Kevin Kiley for L. R. C. Development Services, Inc.

Mr. Kiley informed the Board that their crew had worked at “Ferry Ridge Estates” for 18 days when they were forced to lay-off workers due to financial problems in funding the payroll. Mr. Kiley stated they would be changing the transport destination from Bellingham to Shrewsbury, which would save a lot of time with the moving process.

Mr. Chouinard noted there was too much frost present at the sight to move any material, even if they had the manpower; and he suggested giving the developer no more than a six month extension.

MOTION by Mr. McCarthy, **SECOND** by Mr. Chouinard, to close the public hearing. **MOTION** carried unanimously 4 to 0.

MOTION by Mr. McCarthy, **SECOND** by Mr. Hassinger, to approve the applicant's written request to extend the construction deadline, but extending it only for six months from the expired deadline of December 29, 2006, approximately to the end of June, 2007. **MOTION** carried unanimously 4 to 0.

Chairman Regan received unanimous consent to take **DISCUSSION ITEM 3-A** out of order.

DISCUSSION ITEM 3-A – PERREAULT NURSERY PROPERTY – 4 CARROLL ROAD – REZONE FROM R-20 TO CB(COMMUNITY BUSINESS)

Present for the discussion was Attorney Samuel DeSimone of Mountain, Deeborn & Whiting, LLP; representatives of the Richmond Company, Inc. of Wilmington, MA; Norman Perreault and his attorney John Keenan.

Attorney DeSimone informed the Board that his client is under agreement to purchase a portion of the Perreault property at 4 Carroll Road with the intention of establishing a drugstore at the location. Attorney DeSimone stated Mr. Perreault will be retaining a portion of the property to continue operating the existing nursery on a smaller lot. Attorney DeSimone noted that a zoning change is required, from R20 to CB-Community Business and a variety of traffic improvements/considerations for MA State Highway Route 140, the intersection with Carroll Road and Providence Road; and regrading for site distance on Carroll Road.

The issue of rezoning the parcel was discussed. Mr. Hassinger stated that the established policy of the Town was to limit commercial growth at Carroll Road to protect the integrity of the Town Common. Discussion was held as to whether a proposal to rezone the parcel to Neighborhood Business would be preferable as it was consistent with zoning around the Common, and gave the Town more control through the special permit process.

Chairman Regan received unanimous consent to take the **STAFF REPORT** out of order.

STAFF REPORT

6-B Brookmeadow Plans – Mr. Bishop informed the Board that Norman Gamache of Guerrierre & Halnon was here to discuss the redistribution of the information on the mylars for the addition of 5 sheets to the Brookmeadow Definitive mylars to be signed by the Planning Board.

6-A “Abby Woods” Subdivision – Update – Mr. Bishop noted that Ms. Hobson had been diligent in tracking down the owner of the “Abby Woods” Subdivision, requesting that he submit a request for a construction extension which expired on November 3, 2006.

Tufts University - RBL - Mr. Bishop stated that Tufts University had submitted the Project Plan Review material for the RBL and will be distributed this week.

Chairman Regan noted he had received a call from Gail McGrail, Vice-Chair of the Economic Development Commission, informing him of a workshop they were hosting on Monday, March 5, 2007 at 6:00 p.m. concerning Chapter 43D – Expedited Permitting.

Mr. Hassinger added that the CMRPC was providing funds for towns interested in implementing Chapter 43D.

FSGOD Update - Mr. Bishop noted the necessity, with regard to FSGOD, of referring the required amendments to the DHCD, to reaffirm the direction the Planning Board wants to take. Mr. Bishop also stated that concerning the status of the Design Standards, the Town needs to move forward on the Town Meeting floor, leaving everything as it is until after Town Meeting.

Mr. Bishop stressed it has to be clear the Board is adopting Section 10, through the process of the public hearing, meeting the requirements of Town Meeting and DHCD. Mr. Bishop added that the interpretation has changed and there has to be a re-adoption of the bylaw.

Mr. Hassinger stated that the Town should get a letter from the Attorney General's office regarding the status of the bylaw adopted at the special Town Meeting in November, 2006.

Mr. Bishop also added that once the Planning Board forwards these requirements to DHCD showing the support of the Planning Board, this will trigger the letter of eligibility from DHCD.

Town Counsel Update - Mr. Bishop stated he was on the interview team for the selection of a new Town Counsel and they now had four finalists with the addition of a new candidate from a firm in Springfield. Mr. Bishop informed the Board that Ms. Lashmit, who has brought some significant changes/requirements to the table for the new Town Counsel, would be making a recommendation for Town Counsel to the Board of Selectmen at their meeting on March 6, 2007.

Chairman Regan received unanimous consent to take Minutes of Previous Meetings next in order.

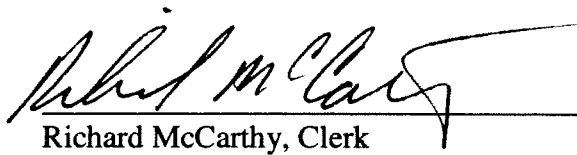
MINUTES OF PREVIOUS MEETINGS

MOTION by Mr. Chouinard, **SECOND** by Mr. McCarthy, to approve the open session minutes of February 12, 2007 with the changes noted. **MOTION** carried unanimously.

MOTION by Mr. Hassinger, **SECOND** by Mr. McCarthy, to approve the Executive session minutes of February 12, 2007, as drafted, and to be held in confidential status until the matter can be resolved. **MOTION** carried unanimously.

MOTION by Mr. McCarthy, **SECOND** by Mr. Hassinger, to adjourn the meeting. **MOTION** carried unanimously.

The meeting was adjourned at 9:45 p.m.



Richard McCarthy, Clerk